



TOWN OF EAST HAMPTON

300 Pantigo Place – Suite 105
East Hampton, New York 11937-2684

Planning Department
Marguerite Wolffsohn
Director

Telephone (631) 324-2178
Fax (631) 324-1476

SITE PLAN/SPECIAL PERMIT INITIAL EVALUATION

Duryea's Site Plan

SCTM#300-16-1-8.1, 8.2, 8.5 8.6 & 8.7

App#:A0520150010

Prepared by: JoAnne Pahwul, AICP
Assistant Planning Director
Date: March 30, 2015

1. APPLICATION INFORMATION

A. INFORMATION RECEIVED:

- Map prepared by George Walbridge Surveyors and dated revised October 29, 2014;
- Conceptual Site Plan (SAN-1) prepared by S.L. Maresca & Associated and dated revised February 10, 2015;
- Proposed Floor Plan (Sheet A-1.0) prepared by William A. Schultz, Architect, and dated December 3, 2014;
- Aerial Source: Google Earth Pro, Dated September 19, 2013
- Proposed Conditions – Aerial Overlay dated December 5, 2014;
- Concept Site Plan prepared by Inter-Science and dated December 9, 2014.

B. DATE SUBMITTED: February 25, 2015

C. OWNER: Sunrise Tuthill I, LLC and Sunrise Tuthill II, LLC

D. APPLICANT/AGENT: Owner/Inter-Science Research Associates, Inc.

E. SCHOOL DISTRICT: Montauk

F. STREET NAME: 65 & 66 Tuthill Road

G. TYPE OF STREET: Private

H. ZONING DISTRICT: Waterfront & B Residence

— "A1" + HPD

I. SEQRA - TYPE OF ACTION: Unlisted

J. INVOLVED AGENCIES: Suffolk County Department of Health
Architectural Review Board

— SC. Planning Commission
D.E.C.

K. OTHER REVIEW: Montauk Fire Department

2. DESCRIPTION OF PROJECT

A. PROPOSED USE(S) AS CLASSIFIED BY TOWN CODE: Restaurant, retail, commercial fishing and fish processing, & residence,

B. EXISTING USE(S) AS CLASSIFIED BY TOWN CODE: Ice

manufacturing, retail, commercial fishing & fish processing, residence

C. ARE THE EXISTING & PROPOSED USES PERMITTED OR SPECIAL PERMITTED BY THE TOWN CODE? Permitted/Special Permit & Permitted

D. AREA OF PARCEL (SQUARE FEET): 2.76 acres *

E. MOST RECENT CERTIFICATE OF OCCUPANCY:

F. 7/6/81 2,348 sq. ft. addition to ice house; 6/18/96 2 ½ story frame, one family residence having one kitchen only, with frame platform & steps, attached garage, pump house, underground pump house & bulkhead

G. DESCRIPTION OF EXISTING STRUCTURES: 10,900 sq. ft. commercial building, garage, cottage and residence

H. DESCRIPTION OF PROPOSED STRUCTURES: 6,350 sq. ft. restaurant, 4,300 sq. ft. decking, 2,320 sq. ft. garage, 1,045 sq. ft. cottage, 780 sq. ft. ag & markets structures

H. EXISTING & PROPOSED LOT COVERAGE: To be determined

I. EXISTING & PROPOSED TOTAL COVERAGE: To be determined

J. HEIGHT OF PROPOSED STRUCTURES: To be determined

K. NUMBER OF STORIES OF PROPOSED STRUCTURES: One

L. NUMBER OF EXISTING PARKING SPACES: Not determined

M. NUMBER OF PARKING SPACES REQUIRED: 69

N. TOTAL PARKING SPACES PROVIDED: 69

O. VARIANCES REQUIRED: wetland and coastal *

P. DOES EXISTING & PROPOSED LIGHTING COMPLY WITH BOARD POLICY? Existing lighting to be removed/ no lighting plan submitted for new lighting

Q. DISTANCE TO PUBLIC WATER: Water main in Tuthill Road

R. SOURCE OF WATER SUPPLY: Suffolk County Water Authority

S. METHOD OF WASTE DISPOSAL: Private on-site sanitary system

T. DO SANITARY CALCULATIONS COMPLY WITH SCDHS STANDARDS? No

U. NUMBER OF ACCESS POINTS:

V. IS SIGHT DISTANCE ACCEPTABLE? To be determined by Town Engineer

W. IS THE PROPOSAL ADA COMPLIANT? To be determined

3. SUBMISSION REQUIREMENTS PURSUANT TO CHAPTER 255 (LIST ITEMS AND SECTION FOR THOSE ITEMS NOT SUBMITTED)

Landscaping and Lighting plans
Elevation drawings

4. SITE ANALYSIS:

A. SOIL TYPE: Bc, CuB, MnE,

B. FLOOD HAZARD ZONE: VE12, AE 10

C. DESCRIPTION OF VEGETATION: Beach, wetland and upland

D. RANGE OF ELEVATIONS: 0-32'

E. NATURE OF SLOPES: Gentle to steep slopes

- F. **TYPE OF WETLANDS WITHIN NRSP JURISDICTION:** Tidal & Freshwater
- G. **SETBACK FROM ANY WETLAND OR WATER BODY:** 12'
- H. **ARE THERE TRAILS ON SITE?** No
- I. **DEPTH TO WATER TABLE:** 0-29'
- J. **DOES THE SITE CONTAIN HISTORIC OR ARCHAEOLOGICAL RESOURCES?** The site is located in an area identified by the New York State Office of Historic Preservation as having the potential for historic or prehistoric resources
- K. **AGRICULTURAL DATA STATEMENT REQUIRED:** No
- L. **IS THE SITE CONTAINED WITHIN:**

NYS Significant Coastal Fish & Wildlife Habitat	No
Local Significant Coastal Fish & Wildlife Habitat	No
US Fish & Wildlife Significant Ecological Complex	No
PEP CLPS list	No
Town Community Preservation Fund List	No
Recommended Scenic Area of Statewide Significance	No
Suffolk County designated Pine Barrens	No
South Fork Special Groundwater Protection Area	No
Town Overlay District	HPOD/Coastal

Other Background Information:

The subject site is located on Tuthill Road and has frontage on both Tuthill Pond and Fort Pond Bay. The site is comprised of two parcels, the first represents two tax map parcels that have merged that is zoned Waterfront/Harbor Protection Overlay/Coastal Erosion Overlay and contains the existing commercial building, cottage, and garage. Tuthill Road, a private road runs through this parcel. The second parcel is improved with a single family residence and is zoned A Residence/Harbor Protection Overlay.

The site plan indicates that the total project area is 2.76 acres after excluding underwater land, wetlands, beaches, and existing access easements, with the residentially zoned portion representing 1.35 acres, leaving 1.41 acres of commercial zoning.

The project consists of the demolition and removal of all of the existing structures, including the 10,900 sq. ft. building that contains an ice manufacturing use, a fish processing area, a whole sale and retail fish market, a takeout food business with an exterior seating area, and two residences, and redevelopment. An 18' wide appendage is proposed to be removed from a garage that is to remain.

Redevelopment on the commercially zoned portion of the site is to consist of the construction of a 6,360 sq. ft. restaurant with 100 indoor seats and a deck with seating for another 50 and a 780 sq. ft. retail building. The 837 sq. ft. cottage is to be relocated slightly forward towards Tuthill Road and refurbished to a size of 1,045 sq. ft. The site will maintain the existing commercial fishing dock and the commercial fishing and fish processing uses are proposed to remain.



SPOT ZONING needs to be changed w/ super majority vote.

The single family residence use will be eliminated on the residentially zoned parcel and a parking lot and an upgraded sanitary system are proposed to be installed to serve the uses on the commercially zoning parcel.

Existing Easement w/ neighbors

A portion of Tuthill Road is proposed to be shifted approximately 20' to the east to allow for the proposed building to be located further from Fort Pond Bay.

A one acre underwater parcel is to be donated to the Town of East Hampton that will include the portion of Tuthill Pond owned by the applicant and easements are proposed over two wetlands and upland buffers along the pond. The applicant also proposes to provide a public access point to Fort Pond Bay. ?

Issues:

Use

The fish processing facility, retail seafood store, and residential cottage represent existing uses. On October 6, 1997, the ZBA, determined that the consumption of food on the deck did not represent a restaurant use, but was part of a retail business where prepared food sold over the counter was consumed on site. The use as a restaurant represents a new use on the site and is classified as a special permit use under the Town Code.

Number of Restaurant Seats

The floor plan submitted depicts 84 indoor dining seats, 50 outdoor seats, and 16 bar seats. Pursuant to §255-1-20 of the Town Code, the amount of outdoor dining permitted is limited to 30% of the rated capacity of the indoor area of dining and the project does not comply with zoning.

§255-1-20 (Definitions) RESTAURANT

A use in a building having as its sole purpose the preparation and serving of food for consumption on the premises within furnished dining areas, and including as a possible accessory the serving of alcoholic beverages with meals. Musical entertainment may be permitted with a music entertainment permit issued pursuant to and subject to the regulations contained in Chapter 117 of the Town Code. Outdoor musical entertainment is only allowed from 1:00 p.m. through 9:00 p.m., unless such musical entertainment is part of a "catered affair" as herein defined or part of a mass gathering permit issued pursuant to Chapter 151 of the Town Code. The permanent or temporary removal or relocation of tables and chairs from an establishment to permit dancing or the establishment of an area for dancing shall constitute a nightclub use subject to the applicable provisions of this chapter, unless the event held at the restaurant is approved as a "mass gathering" pursuant to Chapter 151 ("Mass Gatherings") of this Code or is a "catered affair" as defined herein. A "restaurant" shall not be construed to include any form of drive-in, open-front or curbside eating establishment or any form of nightclub or similar entertainment establishment. Outdoor dining area shall be permitted

only along with indoor dining, and the outside use may not exceed 30% of the area of the permitted enclosed use on the lot.

Although a total of 150 seats, 100 interior and 50 exterior, are proposed, the facility appears to be designed so as to accommodate a greater number. The Fire Marshal has determined that the interior of the proposed restaurant has a rated capacity of 161 and the exterior deck of 192. Consideration should be given to reducing the size of the restaurant, especially the deck given the limitation under zoning on the number of outdoor seats.

Special Permit Standards

The Planning Board will need to consider the attached general special permit standards attached and the specific special permit standards for a restaurant below.

§255-5-50 (Special Permit Specific Standards & Safeguards)

RESTAURANT:

- (1) In determining whether to issue a special permit for this use, the ultimate customer capacity of the restaurant shall be calculated in order to determine potential sewage waste, kitchen waste and parking needs and shall include any potential expansion of outdoor eating patios or decks.
- (2) A plan demonstrating how the disposal of sewage and kitchen wastes will be handled shall be provided. Particular attention shall be given where the proposed site is near wetlands or surface waters or is located in the Water Recharge Overlay District.

These standards require that the "ultimate customer capacity" of the restaurant be utilized to calculate parking requirements and sanitary flow. The ultimate capacity would be represented by the fire marshal's rate capacity numbers which would result in requiring more parking than proposed and a more expansive sanitary flow.

In addition to the special permit standards for a restaurant, the project is required to be reviewed under the following general standards for special permit uses in a Waterfront zoning district.

§255-5-45 General standards in particular districts

D. Waterfront District All special permit uses in the Waterfront District (WF), other than ferry terminals, are deemed not to be water-related uses, and therefore every such use:

- (1) Must not adversely affect any existing waterfront use which is so water-related or any potential water-related uses to be made of the lot or of nearby waterfront which are indicated in the Town Comprehensive Plan;

- It is not clear from the site plan, how and where the commercial fishing and fish processing aspects of the existing uses on the site business will continue to operate on the site. A narrative should be submitted that explains how these businesses will continue.
- The proposed restaurant is large and appears to be the primary use on the property.

(2) Must be ancillary to a principal water-related use in that the special permit use would economically support the principal water-related use and would enhance the ability of the general public to gain visual or physical access to the waterfront

(3) Must not usurp any land surface area needed by the principal water-related use and must, together with all uses on the lot, be able to demonstrate an integrated and adequate circulation and parking plan; and

(4). Must have a maritime character or theme.

- Elevation drawings that depict the height, design and architectural elements of the buildings need to be submitted. The Planning Department notes that the existing building is one of the few Montauk fishing village buildings that survived the 1938 hurricane and it may have local historic significance. The new building design should respect the character of the historic fishing village and consideration should be given to incorporating the existing building into the site design.

Zoning

Use of Residentially Zoned Property for Commercial Use

A legal determination needs to be made as to whether a residentially zoned parcel can be utilized to provide parking and for the installation of a sanitary system to serve a commercial use.

SPOT
ZONING

Coverage

The survey provides one lot area calculation of 2.763 acres or 120,359 sq. ft., excluding existing access easements, wetlands, beach and underwater land, and based lot area calculations on this. However, two zoning districts with differing coverage restrictions comprise the site.

"A1"

The maximum lot coverage permitted in a Waterfront zone is 40% for buildings and 75% total, while lot coverage for the B Residence portion of the lot is calculated based on 15% of lot area or 8,399 sq. ft., whichever is less. Building and total coverage should be provided individually for each of the zoning districts. The twenty seasonal parking spaces also need to be included in total coverage.

Wetland Setbacks


The wetland boundaries, bluff crest, edge of beach and mean high water are depicted on the survey George Walbridge 10 29 2014 as flagged by TOEH on October 28, 2014 and verified on December 18, 2014. The conceptual site plan shows that the project will

require wetland setback variances and a Natural Resources Special Permit for most aspects of the project.

Coastal Setback Requirements

§255-4-40 of the Town Code requires that buildings or other structures erected, constructed, placed, enlarged or reconstructed on lots of 80,000 sq. ft. or more on Fort Pond Bay meet a setback of 150' or more. A variance from this provision of the Town Code will be required for the project.

Coastal Erosion Overlay Zone 4

The site is located within the Coastal Erosion Overlay Zone and the maps should be revised to reflect this zoning and to depict the Coastal Erosion Overlay zone line. 

Flood Zones

The commercially zoned portion of the site is almost entirely located in FEMA designated flood zones, A (El 10) and VE (El 14). The commercial buildings are proposed to be reconstructed with a smaller footprint, further from the bay and almost entirely out of the VE (el 12) flood zone and into the A (El 10) zone. The existing elevations in the area of the commercial buildings are 5-6' and this area is proposed to be regraded to an elevation of 6-8'. The plans indicate that the first floor elevation of the restaurant building is to be 16'. It appears that pilings are proposed in order to achieve this elevation.

The cottage is being removed from the beach at the bottom of the bluff to a place landward of the bluff and out of a VE (El 12) flood zone and into a Zone X. All of the construction will need to comply with FEMA construction standards.

CEHA

The Coastal Erosion Hazard Area (CEHA) line runs north and south down the center of this parcel, approximately down Tuthill Road and all of the proposed buildings, including the cottage, the restaurant and the retail sales buildings, will be located within this coastal erosion area. The CEHA line describes the location of the natural protective feature area (NPFA) line and the structural hazard area (SHA) lines. 505.7 b. of the Coastal Erosion Management regulations prohibits the placement of a nonmoveable structure within a structural hazard area. The commercial buildings and the cottage are proposed to be demolished and new buildings constructed within the structural hazard area and as such may not be subject to this law. However, regulated activities require a Coastal Erosion Management Permit and it is recommended that the applicant submit a permit application to the New York State Department of Environmental Conservation and provide the permit ID number and technical comment to this Board.

Harbor Protection Overlay District Regulations

Clearing

The Walbridge Surveyors October 29, 2014 map indicates that the existing clearing on the site is 94,606 sq. ft., where a maximum of 25,045 sq. ft. is allowed under zoning. Clearing restrictions are calculated differently on parcels in commercial and residential

districts. A lot in a commercial district in a Harbor Protection Overlay District is allowed to clear 10,000 sq. ft. or 50% whichever is less. The maximum clearing in a residential district for a lot of 1.35 acres is 10,000 sq. ft. plus (lot area x 12.5%).

The clearing calculations should be revised to separate the commercial lot area from the residential and to calculate the maximum clearing permitted under zoning, existing clearing, and proposed clearing. Any additional areas proposed to be cleared should be identified. Revegetation has been proposed in previous applications and should be considered.

Control of Stormwater Runoff

The Town Engineer will evaluate the project in terms of HPOD regulations for control of storm water runoff.

Sanitary System

* Based on the SCDHS' density standards for a 2.98 acre lot, the maximum sanitary flow for the site is 1,788 gpd and the sanitary design calculations included on the Conceptual Site Plan (SAN-1) indicate that the flow from the project will be 3,881 gpd.

A lift system to pump the sanitary waste from the westerly side of Tuthill Road to an 8,000 gallon septic tank and 25, four foot deep leaching galleys and 13 expansion galleys located on the residentially zoned portion of the lot at an elevation of 20-21'. The plans indicate that groundwater is found at an elevation of 2.5' in the area. The proposed area will allow for a greater separation to groundwater than the current sanitary system provides. However, the proposed sanitary flow is more than double what the SCDHS standards allow for.

The existing retail food operation appears to have been regulated under the Department of Agriculture and Markets, which does not regulate seating, and not under the SCDHS Food Services Division. It appears that substantial variances from the SCDHS may be required.

The site is located in a Harbor Protection Overlay District and in close proximity to both Tuthill Pond and Fort Pond Bay and variances that allow for double the sanitary flow from the system has the potential to have an adverse impact of the environment. New sanitary technologies approved by the SCDHS, such as the Nitrex System and Biologically Engineered Single Sludge Treatment (BESST) are available that are more effective at reducing nitrogen and other containments than the standard system proposed.

§255-4-30 of the Town Code requires that all sewage disposal devices or structures be constructed a minimum of 150' from the wetland edge. The project proposes to place the septic tank 100' from the wetland and the leaching field 137'. Wetland setback variances and a Natural Resources Special Permit would be required for the project.

The sanitary system is proposed to serve a commercial facility and to be located in a residential zoning district and a determination first needs to be made as to the legality of

this. It appears that the proposed sanitary flow will require variances from the SCDHS for exceeding the maximum permitted flow by twice what is allowed. The sanitary system as proposed would also require wetland setback variances from the Town. A reduction in the sanitary flow and consideration of an alternative sanitary system that would offer a higher level of treatment are recommended.

Grading

The conceptual site plan shows that an area approximately 300' wide by 150' deep at the northerly end of the site is proposed to be reggraded, raising some areas currently at 3' elevations to 6' and moving the 8' contour line from 110' from Tuthill Pond to approximately 70'. Regrading is proposed within 20' of Fort Pond Bay and into an area labeled as Easement Area A, resulting in clearing into the easement.

Other, less extensive reggrading is also proposed in other areas of the site including along Tuthill Pond for the parking.

A detailed grading plan by a licensed engineer should be indicate the amount of fill to be used, the source of fill, the equipment to be utilized, the time table for grading and road closure, and how the wetlands will be protected. The purpose of the grading should also be fully explained. It is recommended that the extent of reggrading be reexamined and reduced to the minimum necessary.

Parking

Parking calculations show that 69 parking spaces are required for the project. Twenty two of these are proposed on the residentially zoned portion of the site. As stated above, a legal determination needs to be made as to whether this is permissible. These spaces are 63' from Tuthill Pond, where the minimum setback is 100' and would necessitate a variance from the Zoning Board of Appeals.

The remaining spaces, except for two in front of the building, are located along the westerly edge of Tuthill Pond, with 20 of these proposed as seasonal parking. Four spaces more are located inside of the garage and six in front of the garage doors. While the Planning Board can relax setbacks pursuant to §255-6-63 of the Town Code, the current plans are conceptual and more detail would be needed in order to thoroughly evaluate the potential environmental impacts. A Natural Resources Special Permit would also be required for all of the proposed parking.

Archaeology

The site is located in an area identified by the New York State Office of Historic Preservation as having the potential for archaeological or historic resources. A number of known significant archaeological sites have been identified in the general vicinity. Substantial areas of the site contain cut and fill (CuB) soils and beach soils and may not contain archaeological resources. However, other portions of the site contain higher elevations that have a greater potential for archaeological and historic resources. It is recommended that a Stage IA study (literature research and walkover) should be submitted and reviewed before proceeding to conduct test holes.

Scenic Area of Local Significance

The residentially zoned parcel and the area of the commercially zoned parcel east of Tuthill road, bordering Tuthill Pond are located in the Montauk Downs Scenic Area of Local Significance. The visual impacts of any commercial development will need to be evaluated.

SEQRA

The project is an Unlisted Action pursuant to SEQRA and Chapter 128 of the Town Code. It is recommended that the Planning Board request lead agency status for the project.

Title of Plans

All plans submitted for this application, including but not limited to site plans, drainage plans, and landscaping and lighting plans, must be labeled with the title of the project. This title must be consistent with the title that the application was filed under unless an official request is made to modify the application name. All correspondence submitted should also be consistent with this title. This consistency is essential for record keeping purposes and any plans not so labeled will be required to be revised accordingly.

Summary

* In summary, a legal determination needs to be made as to whether the sanitary system and 22 parking spaces serving the commercial activity can be located in a residentially zoned area of the site. The parcel represents a very sensitive site with frontage on both Fort Pond Bay and Tuthill Pond and is located in a Harbor Protection Overlay District, a Coastal Erosion Overlay District, FEMA designated flood zones, and the NYS DEC designated Coastal Erosion Hazard Area. The property's existing building is a remnant of the pre-1938 Montauk fishing village. The project proposes twice the amount of sanitary flow than permitted by SCDHS standards, proposes a significantly greater number of outdoor dining seats than allowed by zoning, and will require a number of wetland and coastal setback variances. The project appears to be very aggressive given the sensitive nature of the site and the Planning Department recommends that consideration should be given to reducing the scale of the project. The plans submitted are conceptual and the Planning Board should give the applicant preliminary feedback on the project.

Planning Board Consensus

The Planning Board should discuss whether to seek a legal determination as to whether the residentially zoned parcel can be utilized for parking and the sanitary system for the businesses.

Additional comments: _____

The Board should provide the applicant with preliminary feedback on the proposed conceptual site plan.

Additional comments: _____

The Board should determine whether a detailed grading plan should be prepared by a licensed engineer.

Additional comments: _____

The Planning Board should advise the applicant as to whether an alternative sanitary system should be considered for the project.

Additional comments: _____

The Planning Board should discuss whether an Archaeological Stage IA should be submitted.

Additional comments: _____

The Board should determine whether to request lead agency status for the project.

Additional comments: _____

Additional Board Comments:



Town of East Hampton

300 Pantigo Place
East Hampton, NY 11937-2684

DEPARTMENT OF ENGINEERING

THOMAS D. TALMAGE, P.E.

Town Engineer

Telephone (631) 324-1624
Fax (631) 324-1476

April 16, 2015

TO: Planning Board

FROM: Thomas D. Talmage, P.E.

RE.: Duryea's Site Plan, SCTM #0300-016-01-08.1, 08.2, 08.5, 08.6, 08.7

As requested, I have reviewed the above referenced application including the following plans:

Aerial Google Earth prepared by InterScience received by the Planning Board on February 25, 2015.

Proposed conditions with an aerial overlay dated February 5, 2014 received by the Planning Board on February 25, 2015.

Proposed Floor Plan prepared by William A. Schutz, R.A. dated December 3, 2014 received by the Planning Board on February 25, 2015.

Map of Property prepared by George Walbridge Surveyors dated March 6, 2014 last revised October 29, 2014 received by the Planning Board on February 25, 2015.

Map of Property prepared by Timothy Miller, L.S. dated March 6, 2014 last revised February 12, 2015 received by the Planning Board on February 25, 2015.

Conceptual Site Plan prepared by Steve Maresca, P.E. dated September 9, 2015 last revised February 10, 2015 received by the Planning Board on February 25, 2015.

Concept Site Plan prepared by InterScience on December 9, 2014 received by the Planning Board on February 25, 2015,

and have the following comments.

1. Conceptually, the parking lot seems to be satisfactory. Once the Planning Board has agreed to a conceptual plan, all the handicapped parking spaces will need to be delineated along with existing and proposed grade and stormwater design.

§ 255-5-40. General standards.

No special permit shall be granted unless the issuing board shall specifically find and determine that:

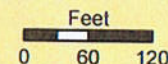
- A. Nature of use. The use proposed will be in harmony with and promote the general purposes of this chapter as the same are set forth in § 255-1-11 hereof.
- B. Lot area. The lot area is sufficient, appropriate and adequate for the use, as well as reasonably anticipated operation and expansion thereof.
- C. Adjacent properties. The proposed use will not prevent the orderly and reasonable use of adjacent properties, particularly where they are in a different district.
- D. Compatibility. The site of the proposed use is a suitable one for the location of such a use in the town, and, if sited at that location, the proposed use will in fact be compatible with its surroundings and with the character of the neighborhood and of the community in general, particularly with regard to visibility, scale and overall appearance.
- E. Effect on specific existing uses. The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater recreational area or other place of public assembly.
- F. Use definition. The proposed use conforms to the Town Code definition of the special permit use where such definition exists or with the generally accepted definition of such use where no definition is included in the Code.
- G. Circulation. Access facilities are adequate for the estimated traffic generated by the proposed use on public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and, further, that vehicular entrances and exits shall be clearly visible from the street and not within 75 feet of the intersection of street lines at a street intersection, except under unusual circumstances.
- H. Parking. There is room for creation of off-street parking and truck loading spaces at least in the number required by the applicable provisions of this chapter, but in any case adequate for the actual anticipated number of occupants of the proposed use, whether employees, patrons and visitors; and, further, that the layout of the spaces and related facilities can be made convenient and conducive to safe operation.



Basemaps: 2013 NYS Digital Ortho Photography
Suffolk County Real Property Tax Service
COPYRIGHT 2015, COUNTY OF SUFFOLK, N.Y.
Real Property Taxmap parcel linework used with permission of
Suffolk County Real Property Tax Service Agency (RPTSA)



1" = 174.33 feet



THE TOWN OF EAST HAMPTON

DURYE SITE PLAN

NO PORTION OF THIS MAP MAY BE MAINTAINED, ALTERED, SOLD, DISTRIBUTED, REPRODUCED, STORED IN OR INTRODUCED INTO A RETRIEVAL SYSTEM, OR TRANSMITTED, IN ANY FORM OR BY ANY MEANS (ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE), WITHOUT THE PRIOR WRITTEN PERMISSION FROM THE TOWN OF EAST HAMPTON.

WHILE EVERY EFFORT HAS BEEN MADE TO PROVIDE CURRENT AND ACCURATE INFORMATION, THE TOWN OF EAST HAMPTON MAKES NO REPRESENTATIONS AS TO ACCURACY, COMPLETENESS, CURRENTNESS, SUITABILITY, OR VALIDITY OF ANY INFORMATION ON THIS DOCUMENT AND WILL NOT BE LIABLE FOR ANY ERRORS, OMISSIONS, OR DELAYS IN THIS INFORMATION OR ANY LOSSES, INJURIES, OR DAMAGES ARISING FROM ITS DISPLAY OR USE. ALL INFORMATION IS PROVIDED ON AN AS-IS BASIS.



Prepared by
THE TOWN OF EAST HAMPTON
Suffolk County, New York
Dept. of Information Technology

Date Prepared: April 17, 2015



UNITED STATES ACCESS BOARD

accessible boating facilities



a summary of
accessibility guidelines
for recreation facilities

JUNE 2003

A FEDERAL AGENCY COMMITTED TO ACCESSIBLE DESIGN

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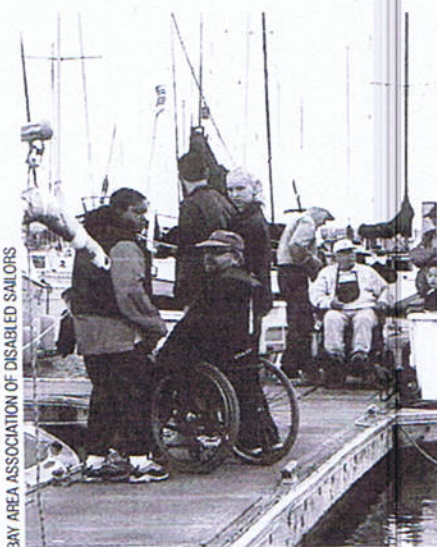
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This information has been developed and reviewed in accordance with the Access Board's information quality guidelines (www.access-board.gov/infoquality.htm).

Accessibility Guidelines for Recreation Facilities



BAY AREA ASSOCIATION OF DISABLED SAILORS

Introduction

The Americans with Disabilities Act (ADA) is a comprehensive civil rights law that prohibits discrimination on the basis of disability. The ADA requires that newly constructed and altered state and local government facilities, places of public accommodation, and commercial facilities be readily accessible to, and usable by, individuals with disabilities. The ADA Accessibility Guidelines (ADAAG) is the standard applied to buildings and facilities. Recreational facilities, including boating facilities, are among the facilities required to comply with the ADA.

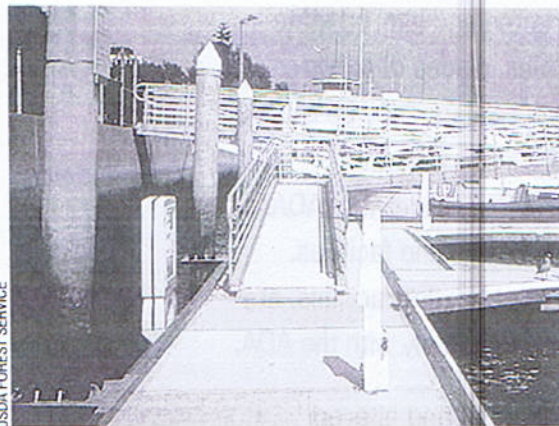
The Access Board issued accessibility guidelines for newly constructed and altered recreation facilities in 2002. The recreation facility guidelines are a supplement to ADAAG. As a supplement, they must be used in conjunction with ADAAG. References to ADAAG are mentioned throughout this summary. Copies of ADAAG and the recreation facility accessibility guidelines can be obtained through the Board's website at www.access-board.gov or by calling 1-800-872-2253 or 1-800-993-2822 (TTY). Once these guidelines are adopted by the Department of Justice (DOJ), all newly designed, constructed and altered recreation facilities covered by the ADA will be required to comply.

The recreation facility guidelines cover the following facilities and elements:

- Amusement rides
- Boating facilities
- Fishing piers and platforms
- Miniature golf courses
- Golf courses
- Exercise equipment
- Bowling lanes
- Shooting facilities
- Swimming pools, wading pools, and spas

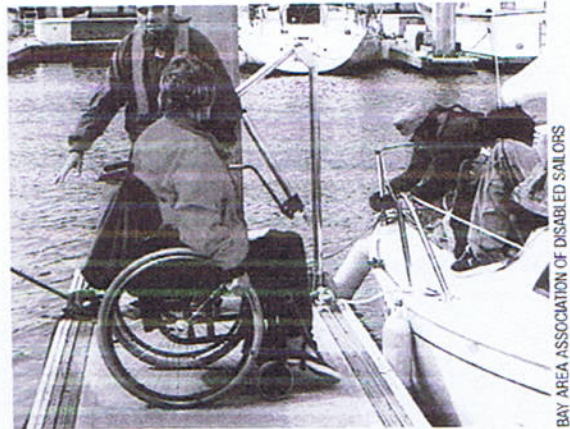
This guide is intended to help designers and operators in using the accessibility guidelines for boating facilities. These guidelines establish minimum accessibility requirements for newly designed or newly constructed and altered boating facilities. This guide is not a collection of boating facility designs. Rather, it provides specifications for elements within a

boating facility to create a general level of usability for individuals with disabilities. Emphasis is placed on ensuring that individuals with disabilities are generally able to access the boating facility and use a variety of elements. Designers and operators are encouraged to exceed the guidelines where possible to provide increased accessibility and opportunities. Incorporating accessibility into the design of a boating facility should begin early in the planning process with careful consideration to accessible routes.



The recreation facility guidelines were developed with significant public participation. In 1993, the Access Board established an advisory committee of 27 members to recommend accessibility guidelines for recreation facilities. The Recreation Access Advisory Committee represented the following groups and associations:

- American Ski Federation
- American Society for Testing and Materials (Public Playground Safety Committee)
- American Society of Landscape Architects
- Beneficial Designs
- City and County of San Francisco, California, Department of Public Works
- Disabled American Veterans
- Environmental Access
- Golf Course Superintendents Association of America
- Hawaii Disability and Communication Access Board
- International Association of Amusement Parks and Attractions
- Katherine McGuinness and Associates
- Lehman, Smith, and Wiseman Associates
- Michigan Department of Natural Resources
- National Council on Independent Living
- National Park Service
- National Recreation and Park Association
- New Jersey Department of Community Affairs
- Outdoor Amusement Business Association
- Paralyzed Veterans of America
- Professional Golfer's Association
- Self Help for Hard of Hearing People
- States Organization for Boating Access
- Universal Studios
- U.S. Army Corps of Engineers
- U.S. Forest Service
- Y.M.C.A. of the U.S.A.
- Walt Disney Imagineering



BAY AREA ASSOCIATION OF DISABLED SALORS

The public was given an opportunity to comment on the recommended accessibility guidelines, and the Access Board made changes to the recommended guidelines based on the public comments. A notice of proposed rulemaking (NPRM) was published in the Federal Register in July 1999, followed by a five-month public comment period. Further input from the public was sought in July 2000 when the Access Board published a draft final rule soliciting comment. A final rule was published in September 2002.

"Whenever a door is closed to anyone because of a disability, we must work to open it.... Whenever any barrier stands between you and the full rights and dignity of citizenship, we must work to remove it, in the name of simple decency and justice. The promise of the ADA...has enabled people with disabilities to enjoy much greater access to a wide range of affordable travel, recreational opportunities and life-enriching services."

President George W. Bush, New Freedom Initiative, February 1, 2001

Boating Facilities

The recreation facility guidelines described in this guide focus on newly designed or newly constructed and altered boating facilities. Other provisions contained in ADAAG address elements commonly found at a boating facility, such as accessible vehicle parking spaces, exterior accessible routes, and toilet and bathing facilities. ADAAG addresses only the built environment (structures and grounds). The guidelines do not address operational issues of a facility. Questions regarding operational issues should be directed to the Department of Justice, 1-800-514-0301 or 1-800-514-0383 (TTY).

Recreational boating facilities can include fixed and floating facilities. Facilities can vary in size from one boat slip (for example, at a small campground facility) to several thousand slips, and can handle boats ranging in size from small canoes to large sailboats and powerboats. Facilities may be located in the same waterfront area or even in the same site (such as a State park with a large lake) and include marinas, launching facilities, piers, and docks that are designed for recreational use.

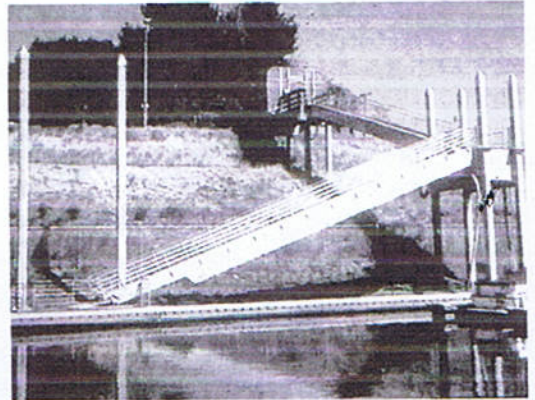
These guidelines do not cover the design of passenger vessels or ferry docks, and do not address access on and off passenger vessels. These issues will be addressed in future rulemaking for passenger vessels.



USDA FOREST SERVICE

Accessible Routes

ADAAG requires that at least one accessible route connect accessible buildings, facilities, elements, and spaces on a site. Accessible boat slips, accessible boarding piers at boat launch ramps, and other accessible spaces and elements within a boating facility must also be connected by an accessible route. The accessible route must comply with ADAAG provisions for the location, width (minimum of 36 inches), passing space, head room, surface, slope (maximum of 1:12 or 8.33%), changes in level, doors, egress, and areas of rescue assistance, unless otherwise modified by specific provisions outlined in this guide.

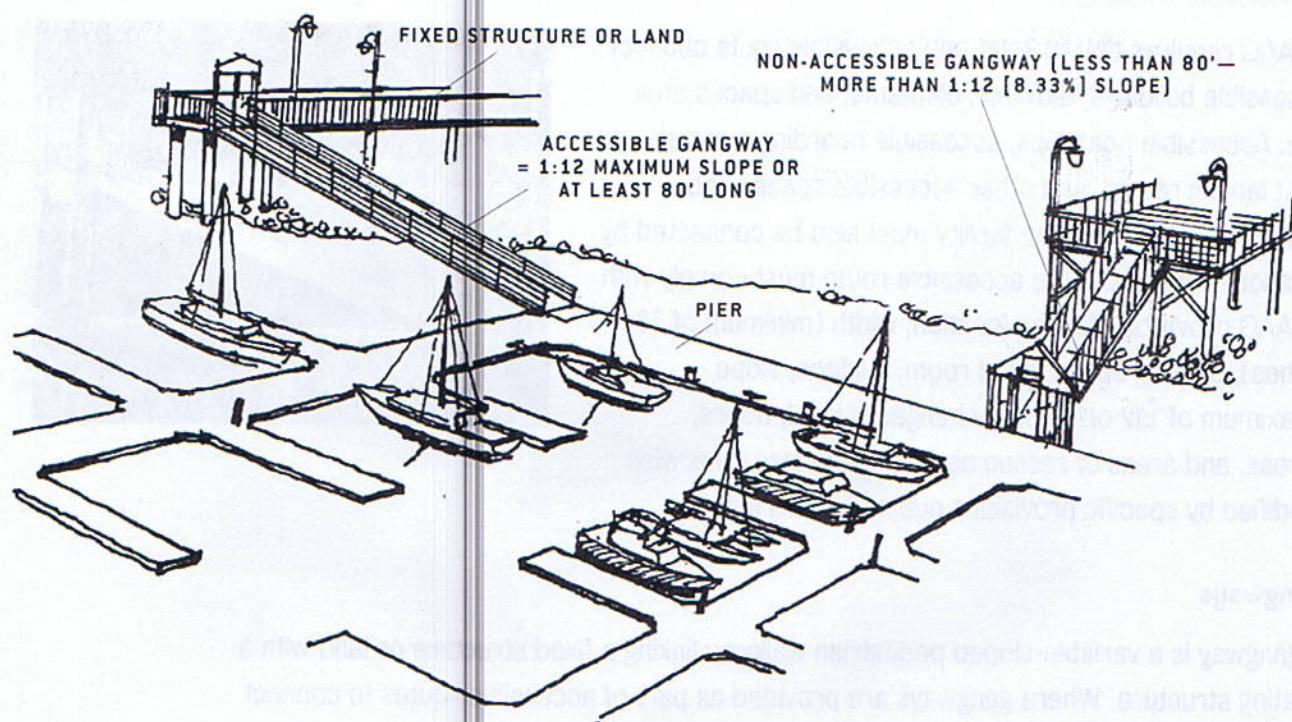


Gangways

A gangway is a variable-sloped pedestrian walkway linking a fixed structure or land with a floating structure. Where gangways are provided as part of accessible routes to connect accessible boat slips on floating piers, the following exceptions to the ADAAG accessible route provisions have been included in the guidelines to deal with the varying water level changes and other factors in this dynamic environment. Designers and operators should note that there are no exceptions to the accessible route requirements where the accessible route connects fixed piers to land or other fixed structures.

Gangway Slope and Rise Exceptions

Gangways designed for the least possible slope will provide more independent access for persons with disabilities. As a minimum however, gangways must be designed to provide for a maximum 1:12 (8.33%) slope but are not required to be longer than 80 feet in length. For example, if the vertical distance between where the gangway departs the landside connection and the elevation of the pier surface at the lowest water level is 10 feet, the gangway would have to be at least 80 feet long. As water levels rise and fall, gangway slopes also rise and fall. At times, this gangway slope may be less than 1:20 (5%) and at other times it may be more than 1:12 (8.33%). In smaller facilities with less than 25 boat

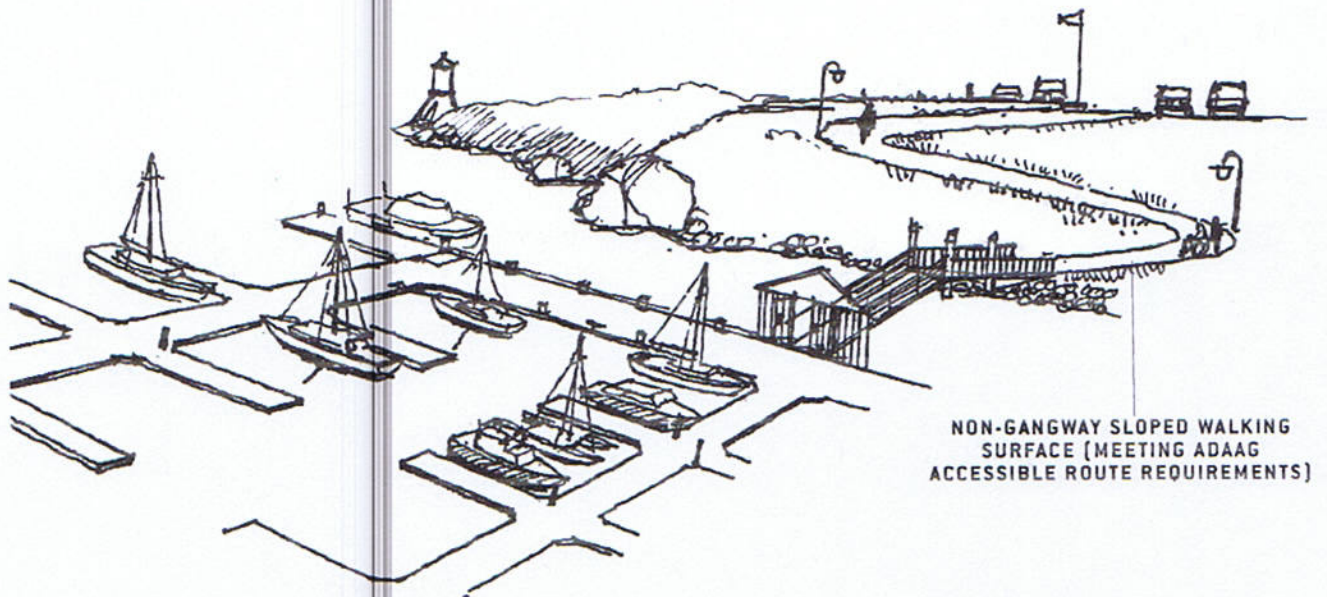


ACCESSIBLE GANGWAY SERVING ACCESSIBLE BOAT SLIPS IN A LARGE FACILITY

slips, the slope of the gangway may exceed 1:12 (8.33%), if the gangway is at least 30 feet long.

The maximum rise requirements in ADAAG do not apply to gangways. As a result, no intermediate landings on the gangways are required and gangways may be any length.

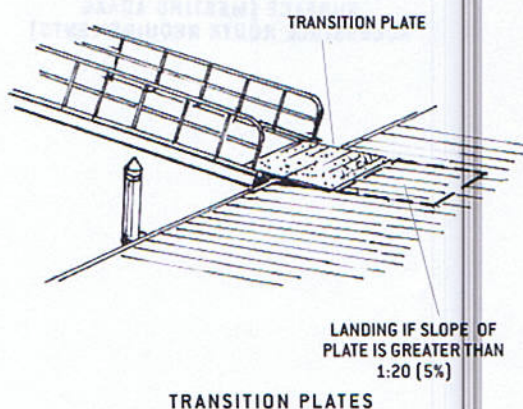
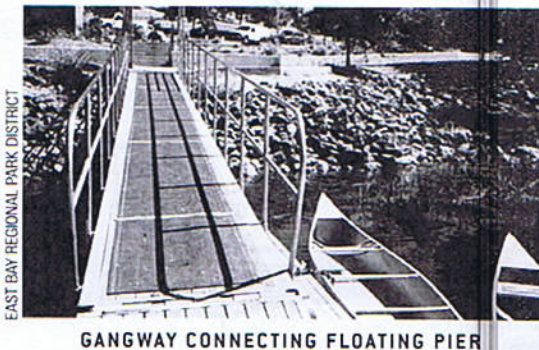
The gangway slope and rise exceptions do not apply to other sloped walking surfaces that may be part of the accessible route. For example, where a non-gangway sloped walking surface greater than 1:20 (5%) is provided as part of an accessible route connecting accessible spaces of a boating facility, it must comply with ADAAG slope and rise



requirements. This would include a ramp connecting a fixed pier or a float with fixed switchback ramps.

Gangway Alterations

Gangways on existing boating facilities may be repaired or replaced without triggering the requirement to increase the gangway length. However, if the areas altered contain primary functions (such as a boat slip or boat dock), existing gangways are considered part of the path of travel to the altered primary function area and must be made accessible, if the cost to do so is not disproportionate. The Department of Justice has determined that it is not disproportionate to spend up to an additional 20 percent of the overall costs of alterations to the primary function areas to make the path of travel accessible.



Transition Plates

Transition plates are sloping pedestrian walking surfaces located at the end of a gangway. Gangways are not required to have landings at the end, if transition plates are provided. If the slope of a transition plate is greater than 1:20 (5%), the transition plate must have a landing at the non-gangway end of the transition plate and comply with other ADAAG ramp requirements.

Handrail Extensions

ADAAG addresses handrail height, diameter, and extensions provided to the end of the gangway. Other specifications regarding vertical supports are not addressed by ADDAG, but may be addressed in local building codes. Handrail extensions are not required where gangways and transition plates connect and both are provided with handrails.

ADAAG does not require handrails on sloped surfaces that have a rise of less than 6 inches or a projection less than 72 inches, or a slope of 1:20 (5%) or less. Where handrail extensions are provided, they do not need to be parallel with the ground or floor surface, since the surface may be moving due to water conditions.

Cross Slope

The cross slopes of gangways, transition plates and floating piers that are part of an accessible route must be designed and constructed to not exceed a maximum of 2 percent (1:50). Gangways and piers that are part of an accessible route are expected to be designed and constructed to meet the 2 percent requirement. Once placed in the water,

measurements, absent live loads, are to be made from a static condition (i.e., absence of movement that results from wind, waves, etc.). Where floating piers are grounded out due to low water conditions, slope requirements would not apply.

Elevators and Platform Lifts

In addition to regular elevators, limited use/limited application elevators (smaller, slower elevators used for low-traffic, low-rise facilities) or platform lifts that comply with ADAAG may be used instead of gangways as part of an accessible route connecting floating piers.

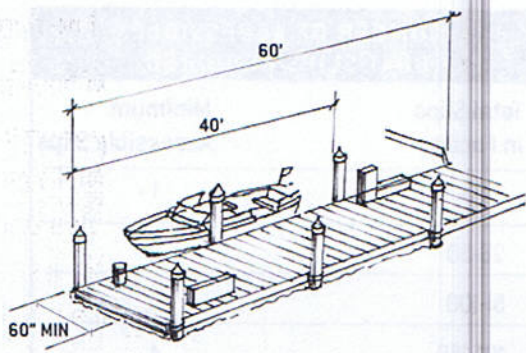
Boat Slips

A boat slip is the portion of a pier, main pier, finger pier, or float where a boat is berthed or moored, or used for embarking or disembarking. Where boat slips are provided, the number of boat slips required to be accessible must comply with the table shown to the right. In these guidelines, boarding piers that are not part of boat launch ramps are also classified as boat slips. For purposes of these guidelines, piers not typically thought of as providing boat slips where boats can be moored, such as a fuel pier, are also included in determining the total number of slips at the facility.

If boat slips at a facility are not identified or demarcated by length, each 40 feet of boat slip edge along the perimeter of a pier will be counted as one boat slip. For example, a new boating facility will provide a single 60-foot pier with boats moored parallel to the pier on both sides. The pier has 120 feet of boat slip edge, which equates to three boat slips. According

**NUMBER OF ACCESSIBLE
BOAT SLIPS REQUIRED**

Total Slips in Facility	Minimum Accessible Slips
1-25	1
26-50	2
51-100	3
101-150	4
151-300	5
301-400	6
401-500	7
501-600	8
601-700	9
701-800	10
801-900	11
901-1000	12
1001 and over	12 plus 1 for each 100 or fraction thereof



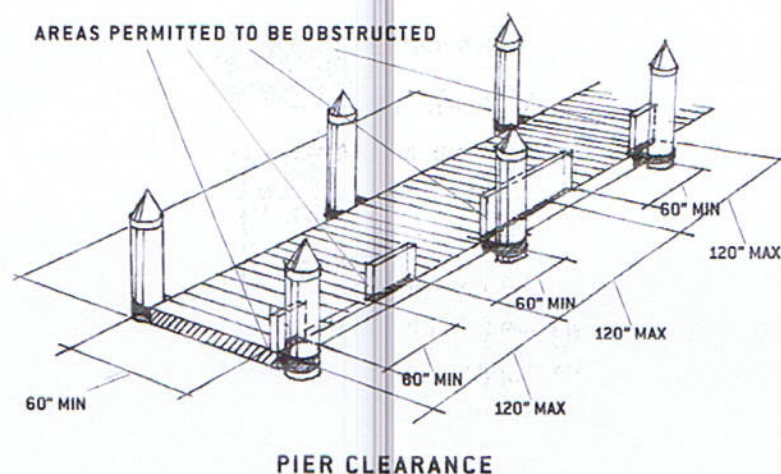
**REQUIRED CLEAR SPACE FOR
60-FOOT PIER**

to the table, one slip must be accessible, with clear pier space at least 40 feet long and a minimum width of 60 inches. In this case, the width of the pier is not considered when totaling the amount of boat slip edge, since it is not designed for mooring. Another new boating facility plans to provide a single pier that is 25 feet long and 3 feet wide and will allow boats to moor on both sides and on one end. The pier has 53 feet of boat slip edge, which equates to two boat slips. According to the table, one slip must be accessible, and the width of the pier must be increased to a minimum of 60 inches.

Dispersion

Accessible boat slips must be dispersed throughout the various types of slips a facility provides, but a facility does not have to provide more accessible boat slips than required in the table. Accessible slips may be grouped on one pier if the requirement for different types of slips is met. Types could include shallow-water or deep water; transient or longer-term lease; covered or uncovered; and whether slips are equipped with features such as telephone, water, electricity, or cable connections.

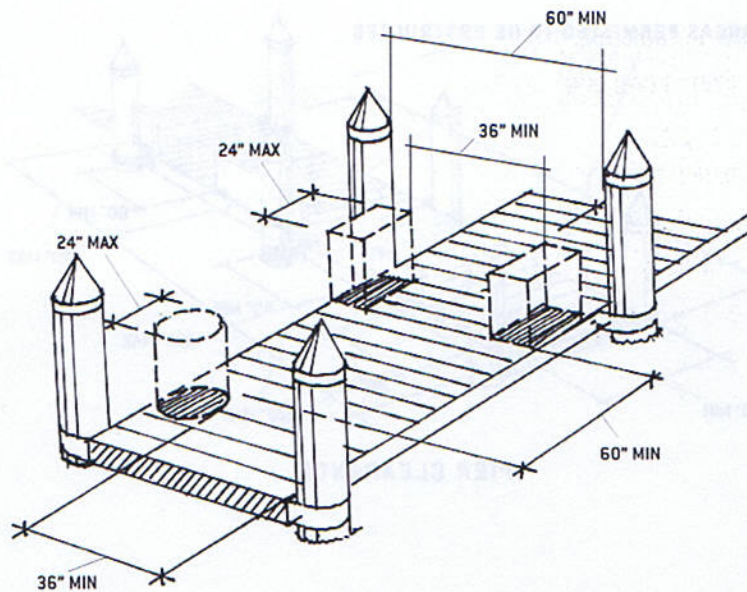
Accessible boat slips do not need to be marked and are not reserved in the same way as accessible vehicle parking spaces. For example, facilities should hold the accessible slips open for persons with disabilities until all other slips are filled. At that point, the slip may be made available for general use. For seasonal slip holders, accessible slips should be held until the expiration period for slip contracts has expired. Marina operators may choose to make



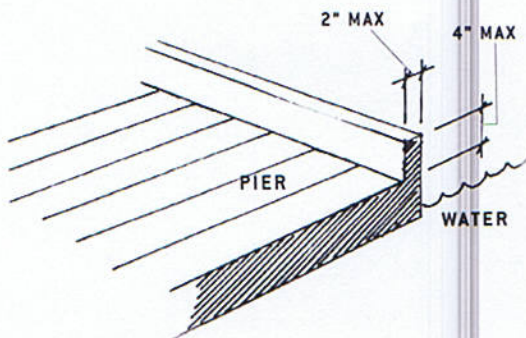
information regarding accessible boat slips available in promotional material or a facility guide. Ensuring that accessible slips are available to persons with disabilities is an operational issue and operators should contact the Department of Justice for further information.

Accessible Boat Slips

Accessible boat slips must have clear pier space at least 60 inches wide and as long as the slip. Providing more than 60 inches wide clear space will improve safety for people with disabilities, especially on floating piers. This space is the minimum necessary for individuals with disabilities to have sufficient space adjacent to their boat slip to use a chair lift or transfer device for getting on or off their vessel and provide a turning space for changing directions. Every 10 feet of linear pier edge serving the accessible slips must



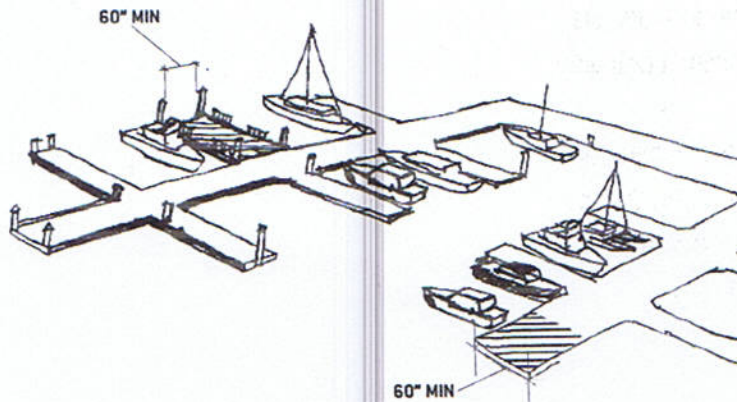
PIER CLEARANCE SPACE REDUCTION



EDGE PROTECTION AT PIER

have at least one continuous clear opening that is at least 60 inches wide. There are three exceptions:

- The width of the clear pier space may be 36 inches wide for a length of 24 inches, as long as multiple 36-inch segments are separated by segments that are 60 inches minimum clear in width and 60 inches minimum clear in length, and the clear openings are at least 60 inches deep.
- Edge protection is not required, but if provided, it can be 4 inches high maximum and 2 inches deep maximum at the continuous clear openings.
- In alterations, facilities with finger piers must have at least one accessible finger pier, which is the length of the boat slip and a minimum of 60 inches wide. Other accessible slips can be located perpendicular to the end of the pier with



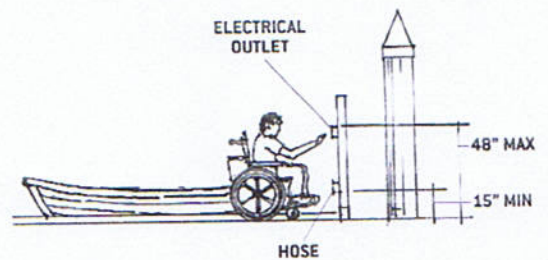
ACCESSIBLE FINGER PIERS

clearance extending the width of the slip. In facilities without finger piers, at least one accessible slip must be parallel to the pier and be a minimum of 60 inches wide (shown above).

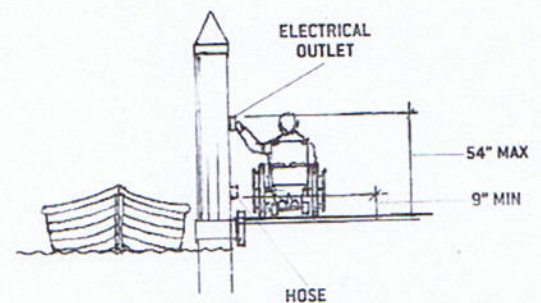
Cleats and other boat securement devices at accessible slips do not have to comply with ADAAG reach range requirements. However, clear space must be provided at each securement device and each device must be located on an accessible route. This reach range exception does not apply to other controls and operating mechanisms such as hose bibbs, water supply hoses, outlets for electrical power, telephones, or cable TV.

Boarding Piers at Boat Launch Ramps

A boarding pier (sometimes called a courtesy pier or a launch dock) is the part of a pier where a boat is temporarily moored for embarking and disembarking. A boat launch ramp is a sloped surface designed for launching and retrieving trailered boats and other watercraft to and



FORWARD REACH RANGES



SIDE REACH RANGES



from a body of water. The provisions for boarding piers cover only those that are associated with boat launch ramps. Boarding piers that are not part of a boat launch ramp are classified as “boat slips” for purposes of these guidelines.

If boarding piers at boat launch ramps are provided, at least 5 percent but not less than one, must comply with these guidelines and be served by an accessible route. The exceptions for gangways, previously described above, may be applied to boarding piers (see pages 5–8).

In addition, gangways connecting floating boarding piers may exceed the maximum slope specified in the guidelines, if the total length of the gangway is at least 30 feet.

ADAAG ramp requirements do not apply to the portion of the accessible route serving a floating boarding pier or skid pier if it is located within a boat launch ramp. For example, a facility provides a chain of floats on a launch ramp to be used as an accessible boarding pier. At high water, the entire chain is floating and a transition plate connects the first float to the surface of the launch ramp. As the water level decreases, segments of the chain rest on the launch ramp surface, matching the slope of the launch ramp. An accessible route must serve the last float because it would function as the boarding pier at the lowest water level, before it possibly grounded out. Because the entire chain also functions as a boarding pier, it must comply with all ADAAG provisions, including the 60-inch minimum clear pier width provision.

Another facility provides a non-floating boarding pier that is supported by piles and divides a launch area into two launch ramps. An accessible route must connect the boarding pier with other accessible buildings, facilities, elements and spaces on the site. Although the boarding pier is located within a launch ramp, because the pier is *not* a floating pier or a skid pier, no exceptions apply. To comply with ADAAG, the accessible route could run down between the two launch ramps. Or, the fixed boarding pier could be relocated to the side of one of the launch ramps, which would allow the slope of the launch ramps to remain unchanged since the accessible route would run outside the launch ramps.

Boarding Pier Clearances

The entire length of accessible boarding piers must comply with the same technical provisions that apply to boat slips. There is no minimum length for the pier. However, the accessible boarding pier should be at least as long as other piers provided at the facility. If no other boarding pier is provided, it should be at least as long as what would have been provided if no access requirements applied. For example, at a launch ramp, if a 20-foot accessible boarding pier is provided, the entire 20 feet must comply with the pier clearance requirements. If a 60-foot accessible boarding pier is provided, the entire 60 feet must comply with the pier clearance requirements.



Launch Ramps Without Boarding Piers

There are no specific provisions that address access to launch ramps without boarding piers. The Department of Justice advises that if there are no applicable scoping requirements (i.e., how many features must be accessible), then a reasonable number, but at least one, must be accessible. It is recommended that an accessible route serve at least one launch ramp. The portion of the accessible route located within the launch ramp is not required to comply with the slope requirements for accessible routes.

More Information

You can obtain copies of the recreation facility guidelines, which include boating facilities, and further technical assistance from the U.S. Access Board at **www.access-board.gov**, **1-800-872-2253**, or **1-800-993-2822 (TTY)**.



United States Access Board

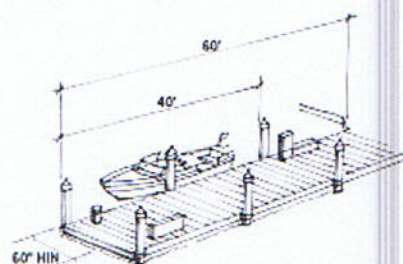
1331 F Street, NW, Suite 1000
Washington, DC 20004-1111

voice (800) 872-2253
tty (800) 993-2822

www.access-board.gov

Boat Slips

A boat slip is the portion of a pier, main pier, finger pier, or float where a boat is berthed or moored, or used for embarking or disembarking. Where boat slips are provided, the number of boat slips required to be accessible must comply with the table shown to the right. In these guidelines, boarding piers that are not part of boat launch ramps are also classified as boat slips. For purposes of these guidelines, piers not typically thought of as providing boat slips where boats can be moored, such as a fuel pier, are also included in determining the total number of slips at the facility.



REQUIRED CLEAR SPACE FOR
60-FOOT PIER

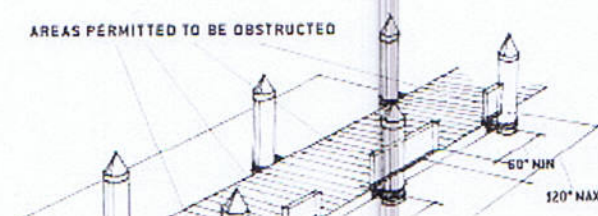
Number of Accessible Boat Slips Required
Total Boat Slips in Facility **Minimum Accessible Slips**

1 to 25	1
26 to 50	2
51 to 100	3
101 to 150	4
151 to 300	5
301 to 400	6
401 to 500	7
501 to 600	8
601 to 700	9
701 to 800	10
801 to 900	11
901 to 1000	12
1001 and over	12, plus 1 for each 100 or fraction thereof

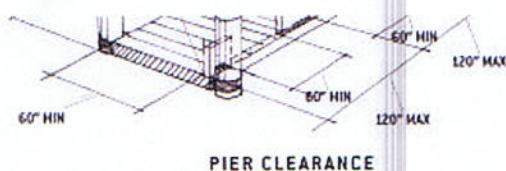
If boat slips at a facility are not identified or demarcated by length, each 40 feet of boat slip edge along the perimeter of a pier will be counted as one boat slip. For example, a new boating facility will provide a single 60-foot pier with boats moored parallel to the pier on both sides. The pier has 120 feet of boat slip edge, which equates to three boat slips. According to the table, one slip must be accessible, with clear pier space at least 40 feet long and a minimum width of 60 inches. In this case, the width of the pier is not considered when totaling the amount of boat slip edge, since it is not designed for mooring. Another new boating facility plans to provide a single pier that is 25 feet long and 3 feet wide and will allow boats to moor on both sides and on one end. The pier has 53 feet of boat slip edge, which equates to two boat slips. According to the table, one slip must be accessible, and the width of the pier must be increased to a minimum of 60 inches.

Dispersion

Accessible boat slips must be dispersed throughout the various types of slips a facility provides, but a facility does not have to provide more accessible boat slips than required in the table. Accessible slips may be grouped on one pier if the requirement for different types of slips is met. Types could include shallow-water or deep water; transient or longer-term lease; covered or uncovered; and whether slips are equipped with features such as telephone, water, electricity, or cable connections.



Accessible boat slips do not need to be marked and are not reserved in the same way as accessible vehicle parking spaces. For example, facilities should hold the accessible slips open for persons with disabilities until all other slips are filled. At that point, the slip may be made available for general use. For seasonal slip holders, accessible slips should be held until the expiration period



PIER CLEARANCE

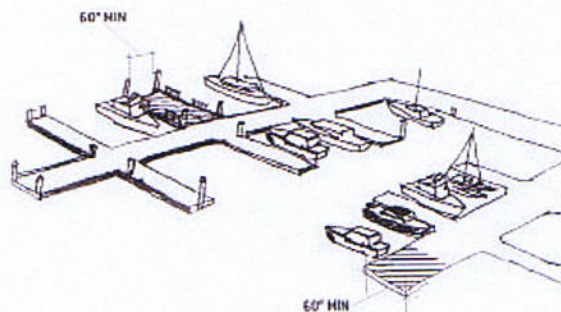
for slip contracts has expired. Marina operators may choose to make information regarding accessible boat slips available in promotional material or a facility guide. Ensuring that accessible slips are available to persons with disabilities is an operational issue and operators should contact the Department of Justice for further

information.

Accessible Boat Slips

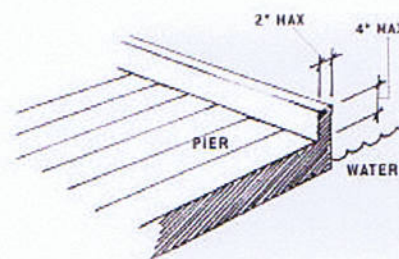
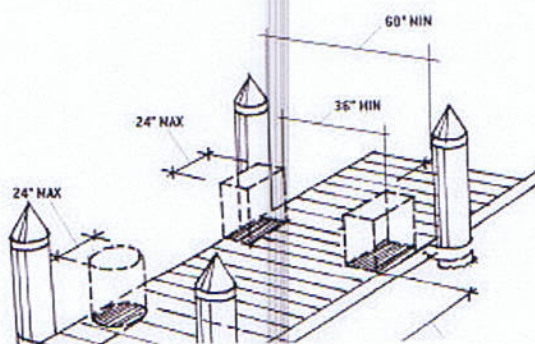
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- The width of the clear pier space may be 36 inches wide for a length of 24 inches, as long as multiple 36-inch segments are separated by segments that are 60 inches minimum clear in width and 60 inches minimum clear in length, and the clear openings are at least 60 inches deep.
- Edge protection is not required, but if provided, it can be 4 inches high maximum and 2 inches deep maximum at the continuous clear openings.
- In alterations, facilities with finger piers must have at least one accessible finger pier, which is the length of the boat slip and a minimum of 60 inches wide. Other accessible slips can be located perpendicular to the end of the pier with clearance extending the width of the slip. In facilities without finger piers, at least one accessible slip must be parallel to the pier and be a minimum of 60 inches wide.



ACCESSIBLE FINGER PIERS

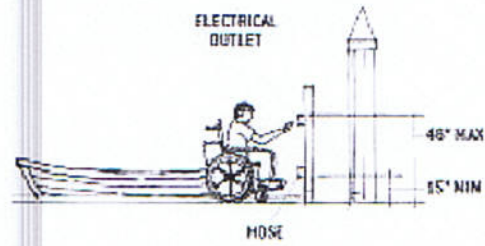
Cleats and other boat securement devices at accessible slips do not have to comply with ADAAG reach range requirements. However, clear space must be provided at each securement device and each device must be located on an accessible route. This reach range exception does not apply to other controls and operating mechanisms such as hose bibbs, water supply hoses, outlets for electrical power, telephones, or cable TV.



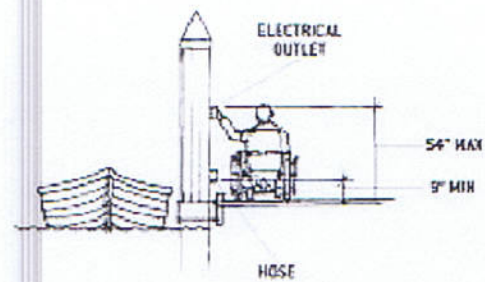
EDGE PROTECTION AT PIER



PIER CLEARANCE SPACE REDUCTION



FORWARD REACH RANGES



SIDE REACH RANGES